NOMINATIONS

HEARINGS

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

FIRST SESSION

ON

NOMINATIONS OF

BOBBY JACK THOMPSON, TO BE ADMINISTRATOR, UNITED STATES FIRE ADMINISTRATION; ROBERT M. GARRICK, TO BE A MEMBER OF THE BOARD OF DIRECTORS, COMMUNICATIONS SATELLITE CORPORATION (COMSAT); AND JAMES E. BURNETT, JR., TO BE A MEMBER, NATIONAL TRANSPORTATION SAFETY BOARD

NOVEMBER 20 AND 24, 1981

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NOMINATION—U.S. FIRE ADMINISTRATION

FRIDAY, NOVEMBER 20, 1981

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, D.C.

The committee met at 9:15 a.m., in room 235, Russell Senate Office Building, Hon. Bob Kasten presiding.

OPENING STATEMENT BY SENATOR KASTEN

Senator KASTEN. Good morning. The committee will come to order.

This morning the Committee on Commerce, Science, and Transportation is pleased to conduct a hearing on the nomination of Dr. B. J. Thompson to become Administrator of the U.S. Fire Administration.

Immediately following this hearing will be a hearing on the nomination of Adm. Robert M. Garrick, to be a member of the Board of Directors of the Communications Satellite Corporation, known as Comsat.

Dr. Thompson is uniquely qualified to become the new Fire Administrator. While Dr. Thompson was part of the fire service in Santa Fe Springs, Calif., he obtained both a B.A. degree and a masters in public administration from California State University, and he later received a Ph. D. in higher education from the Union Graduate School in Ohio.

Dr. Thompson was fire chief and later city manager in Santa Ana, Calif., before becoming superintendent of the National Fire Academy.

Since 1981, Dr. Thompson has been "acting" in the job to which he has now been nominated.

I believe that this is an important time in our Nation's effort to alleviate our fire problem. Fire caused 7,600 deaths in 1980. Those injured in fires each year number in the hundreds of thousands, and billions of dollars of property are lost.

Several tragic fires have increased public awareness of the fire problem. Fire Administration programs for fire data collection and analysis, public education and firefighting training are important means to address these problems. And the leadership provided by the Administrator is a necessary part of this effort.

At this point I would like to insert his biographical sketch into the record.

[The biographical sketch follows:]

BIOGRAPHICAL SKETCH OF BOBBY JACK THOMPSON.

Address: (Residence) RD #3, 2 Richards Road, Cazenovia, N.Y. 13035.

Date and place of birth: March 26, 1930; Perry, Oklahoma, USA.

Marital status: Married, June 16, 1950. Wife: Wilma Sue Ingram Thompson.

Name and ages of children: Mark Stephen Thompson, 30; Michael David Thompson, deceased; Kaydene Michele Thompson Torres, 27; John Martin Thompson, 26; Patricia Ann Thompson Chavaria, 19; Julia Marie Thompson, 16.

Education: Institution, dates attended, degree received, and date of degree.

(*a*) Rio Hondo Community College, Whittier, Calif., 9/65–6/67, associate of science—fire science, June 1967.

(*b*) California State University, 9/67–6/69, bachelor of arts—political science and business administration, June 1969.

(*c*) California State University, 9/71–6/73, master of science—public administration, June 1973.

(*d*) Union Graduate School, Yellow Springs, Ohio, 10/74–6/75, doctor of philosophy—higher education, June 1975.

Employment: Description, employer, location, and dates.

Aircraft electrician, Convair, San Diego, Calif., 1948–49.

Station installer, Pacific Telephone, San Diego, 1949–52.

Life underwriter, Beneficial Life Insurance Co., San Diego, Calif., 1952–53.

Assistant store manager, Coronet Variety Store, Bakersfield, Calif., 2/53–7/53.

Aircraft electrician, Northern Aircraft, Hawthorne, Calif., 7/53–10/55.

Hoseman and inspector, City of Redondo Beach, Redondo Beach, Calif., 10/55–6/58.

Started as fireman, advanced to chief, City of Santa Fe Springs, Santa Fe Springs, Calif., 6/58–8/76.

Fire chief, City of Santa Ana, Santa Ana, Calif., 8/76–2/79.

City Manager, City of Santa Ana, Santa Ana, Calif., 2/79–1/81.

Superintendent, National Fire Academy, U.S. Government—FEMA/USAF/NFA, Emmitsburg, Md., 1/80–7/81.

Acting Administrator U.S. Fire Administration, U.S. Government—FEMA/USFA, Washington, D.C., 7/81–present.

Government Experience:

City government:

1955–1958, fire Inspector, Redondo Beach, Calif.

1958–1970, Various Fire Department positions, Santa Fe Springs, Calif.

1970–76, Fire Chief, Santa Fe Springs, Calif.

1976–1979, Fire chief, Santa Ana, Calif.

1979–1980, City Manager, Santa Ana, Calif.,

Federal Government: 1980–1981, Superintendent, National Fire Academy, Emmitsburg, Md., 1981–present, Acting Administrator, U.S. Fire Administration, FEMA Wash. D.C.

Memberships:

Optimist International, Santa Fe Springs, CA, Vice President, 1967.

Kiwanis, Santa Fe Springs, CA.

International Association of Fire Chiefs.

National Fire Protection Association.

California State Fireman's Association.

California Fire Chiefs' Association.

Fellowship of Christian Fire Fighters.

Note: With the exception of the Fellowship of Christian Fire Fighters, I resigned my membership in all other fire related organizations when I became Superintendent of the National Fire Academy to preclude possible accusations of conflict-of-interest.

Political affiliations and activities: I am a registered Republican in the State of New York, my legal residence.

Honors/awards:

Citizen of the Year, Santa Fe Springs, Calif. (1965).

President's Honor List, California State University, Long Beach, Calif.

Dean's Honor List, Rio Hondo College, Whittier, Calif.

Scholarship in Fire Administration, International Association of Fire Chiefs, Inc. (1967 and in 1974).

Phi Kappa Phi and Phi Sigma Alpha Honor Societies.

Who's Who in the West 1976–77.

Who's Who in the United States 1975.

Men of Achievement.

Dictionary of International Biography.

Senator KASTEN. If some Senators do arrive, I will invite them to include opening statements in the record.

We are lucky to have with us today some representatives of the fire service community, and after Dr. Thompson testifies, I will ask Jim Monihan, Roger McGary, and Skip Smith to come up as a group and speak for roughly 5 minutes each?

Dr. Thompson, welcome to our hearings.

I look forward to hearing about your plans for the Fire Administration.

STATEMENT OF DR. BOBBY JACK THOMPSON

Dr. THOMPSON. Honorable Chairman, I am B. J. Thompson, the President's nominee for position of Administrator, U.S. Fire Administration for the Federal Emergency Management Agency.

I am honored to be nominated for this position and if confirmed I look forward to the opportunity to direct the U.S. Fire Administration programs toward reducing the tragic fire loss presently being experienced in this Nation.

I have prepared a statement that briefly describes the fire loss reduction plan that has been designed to attack the Nation's fire problem. However, in the interest of your time, I will submit my statement for the record.

I would like to take this opportunity to state that I believe the U.S. Fire Administration (USFA) has two separate, but related missions:

The first and primary mission is to significantly reduce the Nation's loss of life and property from fires. Our planning to meet this challenge is focused on problem identification, technology advancement, and fire prevention.

Our second mission is related to the USFA role within the Federal Emergency Management Agency. That is to increase the capacity of the fire service to mitigate the consequences of the local emergencies and disasters.

Our plan in this area will address a need to weld together the fire service with other local, State, and Federal emergency response elements in unified strength to effectively and expeditiously mitigate the consequences of emergencies and disasters, whatever their nature.

In this area of responsibility, the U.S. Fire Administration will be working closely with and supporting other emergency response elements of FEMA.

Mr. Chairman, I would be pleased to respond to any questions or comments you may have.

[The statement follows:]

STATEMENT OF DR. B. J. THOMPSON, ACTING ADMINISTRATOR, U.S. FIRE ADMINISTRATION FEDERAL EMERGENCY MANAGEMENT AGENCY

I am B. J. Thompson, the President's nominee for the position of Administrator, United States Fire Administration, of the Federal Emergency Management Agency (FEMA/USFA). I am honored to have been nominated for this position and, if confirmed, look forward to the opportunity to direct the USFA programs toward reducing the tragic fire loss presently being experienced in this Nation.

My past experience in fire protection, city management, and fire service education has provided me an awareness and understanding of the American fire problem and the challenges facing the fire service today. I have drawn upon this experience to design a programmatic approach that I believe will be effective in reducing our Nation's fire loss.

Since July 20th, I have had the opportunity to serve as the Acting Fire Administrator, and during that period a fire loss reduction plan has been developed which focuses on problem identification, technology advancement and fire prevention. To implement the plan, the Fire Administration has been reorganized into three program offices: The National Fire Data Center; the Office of Fire Protection Engineering and Technology; and, the Office of Fire Protection Management.

In regard to problem identification, the National Fire Data Center has uncovered many major new findings, but better detail is needed to more accurately target prevention efforts. The Data Center will concentrate on identifying the magnitude and characteristics of the Nation's fire problem and help public and private organizations use available information to make informed fire protection decisions. In doing this, the Data Center will use existing sources of data and develop new information to fill gaps. The Data Center's findings are used by other Fire Administration offices, the National Emergency Training Center and other FEMA programs to focus their activities for maximum effectiveness.

For example, in analyzing fire data, the Data Center determined that approximately one-half of the homes in the Nation have one or more smoke detectors. It was also determined that if a fire occurs in a home protected by a smoke detector, the chance of the occupants surviving is increased two-fold. In reviewing this data, it became apparent that a major step toward reducing the Nation's loss of life from fire would be to increase the number of homes protected by smoke detectors. Consequently, a major nationwide campaign has been launched by FEMA to increase public awareness of the value of smoke detector devices in residences. The organizations represented in the Joint Council of National Fire Service Organizations as well as several elements of the private sector are joining FEMA in this campaign. The goal is to increase the percentage of homes protected by smoke detectors to a level of 75 percent.

In regard to technology advancement, the Office of Fire Protection Engineering and Technology will focus on increasing fire safety by accelerating refinement and improvement in fire protection systems such as smoke detectors and sprinkler systems especially designed for residential occupancies.

The Office of Fire Protection Engineering and Technology is also concentrating on increasing firefighter health and safety. Fire suppression is one of the Nation's most dangerous professions. Within this office, the staff is promoting the development of improved protective clothing, breathing apparatus, tools and the physical fitness of the Nation's firefighters. Furthermore, the Office of Fire Protection Engineering and Technology is working closely with the Data Center to identify new information concerning firefighter health and safety and then to pursue additional corrective measures. Additionally, the Office of Fire Protection Engineering and Technology is developing a four-part package that will assist fire departments in their effort to gain fire safety and code compliance in occupancies throughout their community.

The third office in the Fire Administration, the Office of Fire Protection Management, will focus on fire prevention and include the areas of public education, arson prevention and control and fire service resource management.

In the area of public education, work is ongoing to furnish technical assistance to local fire and emergency service organization to aid in the establishment of effective public fire safety education programs. Public service announcements with fire safety/prevention messages are being produced for handoff to fire departments for use by their local stations. Sesame Street has produced an excellent program in fire prevention for pre-schoolers and some exciting work is being done with them in two-way video communications to classrooms via satellite. There are many other public education programs under development or in place, such as the home safety survey. In all cases, the public education efforts are directed at improving State and local ability to establish and conduct their own loss reduction program.

FEMA has been designated by Congress to coordinate the arson programs of the eleven Federal agencies with arson prevention and control programs. Great success has been experienced in gaining conviction of arsonists and reducing the incidence of arson in those communities that have established Arson Task Forces, early warning systems and information management systems. During the coming year several communities in all 50 states will receive assistance in establishing arson prevention/control programs and systems.

Lastly, I am particularly excited about the new program area of fire service resource management. Programs will be designed that will aid the Nation's fire

departments in establishing effective comprehensive fire prevention programs. These programs will address the needs of communities served by both paid and volunteer departments as well as federal installations protected by Federal fire service personnel. And, in support of resource management, the USFA will be providing technical assistance to localities that desire to develop fire protection master plans and thereby assure a cost-effective approach to public fire education.

While I realize that the plans I have mentioned present a broad-brush approach, I assure you that we are focused on clearly stated, measurable objectives. Our staff is small but I am convinced that it is adequate to make a significant impact on reducing the Nation's fire loss.

In concluding my comments, I want to state that I believe the United States Fire Administration has two separate, but related missions. The first and primary mission is to significantly reduce the Nation's loss of life and property from fire. Our planning to meet this challenge focuses on problem identification, technology advancement and fire prevention. The second mission is related to the USFA role within the Federal Emergency Management Agency. That is to increase the capacity of the fire service to mitigate the consequences of local emergencies and disasters. Our planning in this area will address the need to weld together the fire service with other local, State and Federal emergency response elements in unified strength to effectively and expeditiously mitigate the consequences of emergencies and disasters, whatever their nature. In this area of responsibility, the USFA will be working closely with and supporting the other emergency response elements of FEMA.

Senator KASTEN. Dr. Thompson, you well appreciate the magnitude of the fire problem.

What are the greatest challenges you would face as Administrator, and how would you meet those challenges?

Dr. THOMPSON. I do indeed have several challenges facing me, and I believe the greatest challenge of all will be to increase the public understanding and awareness of fire safety, and to reduce apathy about the severity of the U.S. fire problem.

Public education programs are being offered and new programs will be developed to meet this challenge.

A second challenge will be that of assisting fire departments in their efforts to reduce fire loss during a time of dwindling resources and cuts in manpower.

Our role will be to minimize the loss of effectiveness through strong, supportive, fire prevention programs in the areas of public fire education, code enforcement, code administration, and arson prevention.

Senator, one example of support is our smoke detector awareness campaign to expand the use of smoke detectors in American homes. We know that smoke detectors, through early warning, are reducing property loss, fire deaths, and fire injuries. I believe that expanding the use of smoke detectors should lead to a still greater reduction of fire loss.

I want you to know that I am also concerned with identifying alternative ways of managing personnel resources to accomplish fire prevention goals.

Another challenge will be to integrate the fire service into a broader FEMA emergency management disaster role, as I mention in my opening comments. There are other challenges such as firefighter health and safety and increasing the use of sprinkler systems in residences. We have a plan designed to meet this challenge. I look forward to that opportunity.

Senator KASTEN. Since last spring the Fire Administration was reorganized. We have heard rumors from time to time about additional reorganizations over and above that which was done last spring which would affect the fire program.

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Could you review for us what changes have been made, and possibly a little bit about the rationale for some of those changes. And then most importantly, tell us what additional changes may be contemplated?

Dr. THOMPSON. Since last spring, most particularly since July when I was made the Acting Fire Administrator, I reorganized the Fire Administration along the lines of our designed program to reduce the fire loss. Namely, our three areas of concern are problem identification, transfer of technology, and fire prevention.

And to address those three areas of concern, the U.S. Fire Administration has been organized into three divisions—that of a data center which has responsibility of identifying the cause of fires in this Nation; the extent of the fire problem; and to determine possibilities of ways of coping with that problem.

The second division is the Office of Fire Protection Engineering Technology. That office has been developed as its name indicates, to increase technology and to transfer that technology to private enterprise and to government.

One of the most significant accomplishments in this area has been the development of a residential sprinkler head that we believe has a great future, and will in fact be used in residences, and greatly reduce our fire loss in this Nation.

This office also works on firefighter health and safety, development of fire codes, support of codes for better code enforcement.

The third division in the Fire Administration is the Office of Projects and Management. Within this office we have sections devoted to public fire education, arson prevention and control, and fire service resources management.

We are particularly excited about the resource management program, because we are going to be helping fire chiefs maximize the effectiveness of their resources in the areas of fire prevention and code enforcement; management of the department in general.

That's pretty much of a summary statement.

Senator KASTEN. What additional changes, if any, do you expect?

Dr. THOMPSON. I anticipate no further changes. In fact, our goals, our objectives, our milestones are already formulated. They are all systematically organized to attack the fire problem and we are ready to go.

Senator KASTEN. Dr. Thompson, I thank you for your testimony this morning. The record will be kept open for roughly 1 week to allow Senators to submit written questions to you. Those questions will be transmitted to you and we would hope that you could get back to us with responses in a timely fashion.

I greatly appreciate your appearance here this morning and look forward to working with you.

Dr. THOMPSON. Thank you, sir.

Senator KASTEN. The next witnesses will form a panel, Mr. Monihan, Mr. McGary, and Mr. Smith.

I don't know, gentlemen, if you have any special order. If you don't, let's begin in the order in which you have been called.

It would be my hope that each of you would summarize your testimony. It is my understanding that you are here in support of the administration's nominee, and we are pleased to have you join us this morning.

Mr. Monihan.

STATEMENTS OF E. JAMES MONIHAN, CHAIRMAN, NATIONAL VOLUNTEER FIRE COUNCIL; ROGER A. McGARY, FIRE CHIEF, TAKOMA PARK FIRE DEPARTMENT, REPRESENTING THE INTERNATIONAL SOCIETY OF FIRE SERVICE INSTRUCTORS; AND ROBERT B. (SKIP) SMITH, DIRECTOR, GOVERNMENT AFFAIRS, NATIONAL FIRE PROTECTION ASSOCIATION

Mr. MONIHAN. Mr. Chairman, I am James Monihan, chairman of the National Volunteer Fire Council. You do have my written statement, and I will attempt to be brief.

The National Volunteer Fire Council is an organization which represents some 1½ million volunteer firefighters in some 29,000 departments across the country.

We are pleased to support and endorse the nomination of Dr. Thompson to be the next Administrator of the Fire Administration. Dr. Thompson has served well as superintendent of the National Fire Academy in the past; he is serving well as Acting Administrator of the Fire Administration at the present, and we feel confident that he will continue to serve well if confirmed as Administrator.

Dr. Thompson opened the National Fire Academy and produced a quality program with quality education in near record time. When I say quality education, this is evidenced by the fact that their residence programs are now accepted by the academic community for college credit.

We need this type of organizational ability and leadership in the U.S. Fire Administration.

Dr, Thompson confronts problems and needs in a very direct, nononsense manner. He was instrumental in the conduct of the Stonebridge II Needs Assessment Conference for the Volunteer Fire Service in August of 1980. That conference produced resolutions which identified problems and needs in the volunteer service and Dr. Thompson took prompt action on those that affected the Academy. Evidence is in the fact that there is currently under development a financial management manual which will assist the departments across the country that don't necessarily have a great deal of financial expertise in their operations.

We need this straightforward approach to problems and needs if the Fire Administration is to move forward.

As you well know, the fire service is called upon as the first responding agency in a myriad of situations from hazardous materials, railroad derailments, to children with their heads caught in a fence. You name it, we are called.

If the Fire Administration is to address the broad spectrum of problems, it needs the leadership and background of a man such as Dr. Thompson. In fact, if the Fire Administration is to reach its envisioned goal of being the national focus on the fire problem in the United States to protect the lives and property of our citizens, it needs such leadership.

For these reasons, Mr. Chairman, on behalf of the National Volunteer Fire Council and the volunteer fire service community of this country, I strongly urge and support the confirmation of Dr. B. J. Thompson as the next Administrator of the Fire Administration.

Thank you.
[The statement follows:]

STATEMENT OF E. JAMES MONIHAN, CHAIRMAN, NATIONAL VOUNTEER FIRE COUNCIL

Mr. Chairman and members of the Committee, I am James Monihan, Chairman of the National Volunteer Fire Council, and it is a privilege to endorse and support the nomination of Dr. B. J. Thompson as the Administrator of the United States Fire Administration.

The National Volunteer Fire Council represents the some one and one half million volunteer fire fighters of the United States who man some twenty-eight thousand departments across the country.

We look with great expectation and anticipation to the National Fire Academy and particularly its Outreach Division, which Dr. Thompson created, organized and put into operation in an amazingly short period of time with a great deal of efficiency and expertise. While he did the job very expeditiously, I would hasten to add that the quality of education provided by the programs of the Academy are of the highest caliber.

I have only known Dr. Thompson personally for the two and a half years that he has been Superintendent of the Fire Academy and more recently Acting Aministrator of the Fire Administration, however, I was aware of him and his credentials and I must say I find his reputation was well deserved.

I have found him to be most attentive to and helpful with the problems of the volunteer fire service while maintaining the necessary balance of service to all facets of the fire service community. As I said, he originated the Outreach Division of the Academy and through it was most instrumental and supportive in the conduct of the Stonebridge II Conference in August of last year which was a "needs assessment conference" of the volunteer fire service of the nation.

The needs identified at Stonebridge II in the form of Resolutions, were submitted to Dr. Thompson as they applied to the Academy and he was most prompt and attentive in addressing the needs. This is evidenced by the Council's present project to develop a Manual on the financial management of a volunteer fire department under an Academy Grant.

In the short time that he has been serving as Acting Administrator of the Fire Administration, I found him to continue his efficient, straight-forward leadership and feel that the Fire Administration will be well served with him as its Administrator.

For these reasons, ladies and gentlemen, it is a pleasure on behalf of the National Volunteer Fire Council and the volunteer fire service community of these United States, to endorse the nomination of Dr. B. J. Thompson as Administrator of the United States Fire Administration.

Thank you.

Senator KASTEN. Thank you, Mr. Monihan.

Mr. McGary?

Mr. MCGARY. Good morning, I am Roger McGary, career chief of the Takoma Park, Md., Volunteer Fire Department, and first vice president of the International Society of Fire Service Instructors.

I am representing the instructors, which is a group of some 4,000 fire service teachers who work at a variety of levels; what we call the grassroots instructor, the individual who is working in the field from every part of this Nation.

Our board is somewhat sensitive to the needs of the fire service, because we represent every segment of that community. We exercise the right to take position statements, and today we do in support of Dr. Thompson as Administrator of the U.S. Fire Administration.

We found Dr. Thompson's previous stand as superintendent of the National Fire Academy to be an exceptionally cooperative and knowledgeable Administrator.

His experience as a fire chief and city manager has given him an insight into the fire problem at what we call the grassroots level.

Then his experience as Superintendent of the Academy, provided an in-depth view of problems from the perspective of fire service organization from every part of the Nation, as well as those coming from foreign shores. He provided the positive guidance to the academy as it grew from paper and plans to bricks, mortar, and programs; programs offered on the Emmitsburg campus as well as in the field. His leadership has given the National Fire Academy a prominent role in the world of fire service training.

As the U.S. Fire Administration seeks new directions within the confines of FEMA, it will take the expertise of a leader with innovative ideas. We of the society believe Dr. Thompson possesses the necessary qualities to provide this type of leadership. Therefore, with all of this in mind, we of the International Society of Fire Service Instructors, endorse the appointment of Dr. Thompson as Administrator of the U.S. Fire Administration.

Thank you.

[The statement follows:]

STATEMENT OF ROGER A. MCGARY, CHIEF, TAKOMA PARK VOLUNTEER FIRE DEPARTMENT, INC., AS FIRST VICE PRESIDENT OF THE INTERNATIONAL SOCIETY OF FIRE SERVICE INSTRUCTORS

Ladies and Gentlemen: I am Roger A. McGary, Career Chief of the Takoma Park, Maryland Fire Department and 1st Vice President of the International Society of Fire Service Instructors. Today I represent the Society in speaking for the appointment of Dr. B. J. Thompson as Administrator of the United States Fire Administration.

The International Society of Fire Service Instructors is an organization of some 4,000 Fire Service Instructors who teach at a variety of levels—from the grass roots local level, to the multiple company officer, to those involved in emergency medical services, to those in industry, along with a major segment of Federal Fire Service personnel, to State Directors of Training, to those who teach in the field of public education, etc. Our membership stretches from the villages of Alaska to the metropolitan cities, of the east coast and all parts between, with every state in the nation represented.

Our Board of Directors is one of the most sensitive of any Fire Service organization, with the uniqueness of having representation from nearly every facet of the Fire Protection field. The Board's sensitivity to each segment results in a constant observance and feeling of the pulse of each representative area which in turn provides position statements.

This morning the Society is exercising that activity in the support of Dr. Thompson. During his tenure as Superintendent of the National Fire Academy and in his present capacity as Acting Administrator, we have had the opportunity to work closely with him and his staff in programs designed to reach the Fire Service Instructor, the fire fighter and the public.

We have found Dr. Thompson to be a cooperative and knowledgeable Administrator, sensitive to the needs of his constituency.

Dr. Thompson's experience as a Fire Chief and City Manager has given him an insight into the fire problems at what we would refer to as the local or grass roots level. Then his experience as the Superintendent of the National Fire Academy provided an in-depth view of problems from the prospective of Fire Service organizations from every part of the nation as well as those coming from foreign shores.

He provided the positive guidance to the Academy as it grew from paper and plans to bricks, mortar and programs—programs offered on the Emmitsburg Campus as well as in the field. This leadership has given the National Fire Academy a prominent role in the world of Fire Service training.

As the United States Fire Administration seeks new directions within the confines of the Federal Emergency Management Agency, it will take the expertise of a leader with innovative ideas—we of the Society believe Dr. Thompson possesses the necessary qualities to provide this type leadership.

Therefore, with all of this in mind, we of the International Society of Fire Service Instructors endorse the appointment of Dr. Thompson as Administrator of the United States Fire Administration.

Senator KASTEN. I thank you.

We also, have prepared testimony from you and your organization, Mr. McGary, and without objection that will be included as part of the record of the committee hearings.

Mr. Skip Smith?

Mr. SMITH. Thank you, Mr. Chairman, my name is Robert B. Smith, and I am the director of government affairs for the National Fire Protection Association.

The National Fire Protection Association is very pleased to indicate its strong support of Dr. B. J. Thompson as the Administrator of the U.S. Fire Administration.

The NFPA, a nonprofit voluntary membership organization whose more than 32,000 members representing business, industry, fire service, architects, engineers, educators, government, and military personnel support Dr. Thompson based upon his past impressive record of accomplishments, his very appropriate background for this position, and his demonstrated management capability while serving as the Superintendent of the Fire Academy.

Dr. THOMPSON has dynamically demonstrated his capabilities most recently at the U.S. Fire Administration through his leadership as Superintendent of the National Fire Academy.

Of significance in this impressive accomplishment record is the fact that under Dr. Thompson's Academy administration, the National Fire Academy actually came into physical being through the purchase and development of the campus at Emmitsburg, Md. This accomplishment in itself is worthy of note and demonstrated a progressive and effective change from the previous lackluster, unproductive, physical status of the National Fire Academy.

Under Dr. Thompson's leadership, the National Fire Academy campus was made an everyday student learning reality. In the short span of time from January 1980, there was demonstrated national recognition of both accomplishment and excellence through the accreditation of courses at the National Fire Academy by the American Council of Education.

Dr. Thompson has unquestionably demonstrated his administrative capabilities through this expeditious development of the National Fire Academy from acquisition of a bricks and mortar physical plant, to a recognized academic institution.

The NFPA unhesitatingly endorses his nomination and provide our support to this committee for confirmation as the Administrator of the U.S. Fire Administration.

Thank you very much, sir.

[The statement follows:]

STATEMENT OF ROBERT B. SMITH, DIRECTOR OF GOVERNMENT AFFAIRS, NATIONAL FIRE PROTECTION ASSOCIATION

Mr. Chairman, my name is Robert B. Smith, and I am the Director of Government Affairs for the National Fire Protection Association.

The National Fire Protection Association (NFPA) is very pleased to indicate its strong support of Dr. B. J. Thompson as the Administrator of the United States Fire Administraiton. The NFPA, a non-profit voluntary membership organization whose more than 32,000 members representing business, industry, the fire service, architects, engineers, educators, government and military personnel, support Dr. Thompson, based upon his past impressive record of accomplishments, his very appropriate background for this position, and his demonstrated management capability while serving as the Superintendent of the National Fire Academy.

Dr. Thompson's practical and appropriate professional experience, having served through all ranks of the fire service, provides him with not only the valuable understanding of the everyday fire problem, but also equips him with demonstrated management experience in the fire service. His unique background involving managerial responsibilities in the fire service, and also the decision-making responsibilities associated with overall municipal management while serving as the City Manager of Santa Ana, California, has greatly broadened his opportunities for practical managerial development.

Dr. Thompson's formal education background provides a very impressive and valuable asset for his candidacy as the Administrator of the United States Fire Administration. This academic enrichment, including studies in fire science, teaching, political science and business administration, public administration, and philosophy, uniquely prepares him for the challenges and responsibilities of the Administrator. It should also be noted that Dr. Thompson has been recognized in the field of engineering through professional registration as a fire protection engineer in the State of California.

Dr. Thompson has dynamically demonstrated his capabilities most recently at the United States Fire Administration through his leadership as Superintendent of the National Fire Academy. Of significance in this impressive accomplishment record is the fact that under Dr. Thompson's Academy administration, the National Fire Academy actually came into physical being through the purchase and development of the campus at Emmitsburg, Maryland. This accomplishment in itself is worthy of note and demonstrated a progressive and effective change from the previous lackluster unproductive physical status of the National Fire Academy. Under Dr. Thompson's leadership, the National Fire Academy campus was made an everyday student learning reality. In the short span of time from January, 1980, there was demonstrated national recognition of both accomplishment and excellence through the accreditation of courses at the National Fire Academy by the American Council on Education. Dr. Thompson has unquestionably demonstrated his administrative capabilities through this expeditious development of the National Fire Academy from acquisition of a bricks and mortar physical plant to a recognized academic institution.

For these reasons, and also as a result of our Association's direct contact with Dr. Thompson since he became Superintendent of the National Fire Academy, and more recently in the capacity as Acting Administrator for the United States Fire Administration, we unhesitatingly endorse his nomination and provide our support to this Committee for confirmation as the Administrator of the United States Fire Administration.

Thank you, Mr. Chairman.

Senator KASTEN. I thank you, Mr. Smith.

I think with the support of you, your respective organizations which between the three of you represent tens of thousands of people across this country, and continued communication between you and Dr. Thompson, we are going to be in good shape.

I appreciate your testimony here today and I thank you very, very much for your support and your enthusiastic statements here today on behalf of the administration's nominee. Thank you for joining us.

Mr. MONIHAN. Thank you, sir.

Mr. MCGARY. Thank you.

Mr. SMITH. And I thank you.

Senator KASTEN. I would like to thank the members of the panel, and Dr. Thompson as well for your participation here today.

It is my understanding that Senator Al D'Amato had intended to join us briefly. Senator D'Amato has a statement which will be made part of the permanent record in support of Dr. Thompson.

[The statement follows:]

STATEMENT OF HON. ALFONSE M. D'AMATO, U.S. SENATOR FROM NEW YORK

Mr. Chairman, members of the committee, it is a pleasure for me to be here today to introduce to you Dr. B. J. Thompson, a resident of the State on New York, and

the President's nominee for the position of Administrator of the U.S. Fire Administration.

Fire loss in this country, in terms of both death rate per capita, and property loss, is one of the highest in the world. In 1980, approximately 7,600 Americans died from fire; this figure is 20 times greater than the number of people who are killed each year by floods, hurricanes, tornadoes, and earthquakes combined. An estimated 2.9 million fires caused more than $5.9 billion in property loss during this past year. While fire falls within the State and local jurisdiction, the U.S. Fire Administration plays a critical role in assisting local governments to identify their fire problem, develop community prevention programs, more effectively suppress fire, and take advantage of newly developed fire data.

To manage such a program requires the leadership of someone familiar with the characteristics of fire, the nature of the fire service, and an understanding of local government management. I am pleased to recommend to you a person whose public service career embodies these leadership characteristics. His career has included front line fire service duty, fire service management, city management, and extensive involvement in the design and implementation of innovative academic progams of fire science and management.

Gentlemen, I know that you will find Dr. Thompson more than able to effectively undertake the challenges of this position.

Senator KASTEN. I look forward to working with all of you on a continuing basis.

As I mentioned earlier, the record will remain open to allow Senators to submit written questions for the record, and those questions will then be directed to the appropriate person for a prompt response.

This portion of the hearing is concluded.

[Whereupon, at 9:40 a.m. the hearing was adjourned.]

NOMINATION—COMMUNICATIONS SATELLITE CORPORATION

FRIDAY, NOVEMBER 20, 1981

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, D.C.

The committee met at 9:40 a.m. in room 235 of the Russell Senate Office Building, Hon. Bob Kasten, presiding.

OPENING STATEMENT BY SENATOR KASTEN

Senator KASTEN. We will reconvene the committee for the nomination hearing on Adm. Robert M. Garrick to be a member of the Board of Directors of the Communications Satellite Corporation, Comsat.

I am pleased to welcome you to this committee, Mr. Garrick. You are about to undertake a number of major responsibilities as a member of the Board of Directors of an organization that has been in the vanguard of this country's unique role in the development of communications satellite technology.

The Senate, and this committee in particular, has taken as I am sure you know, significant steps this year to establish a new framework or mechanism for the deregulation of the massive domestic telecommunications industry. The committee has pledged to undertake similar actions with respect to the everchanging international communications sector.

As such, the committee will be reexamining the role that Comsat has been given in prior legislation, and the committee will act to insure that its ventures into other competitive arenas are not unreasonably restricted.

I am sure that you are going to bring to the Board of Comsat, and ultimately, to the American people, the benefits of your many accomplishments over the years.

I will place your biographical sketch in the record and then I will invite you to make an opening statement, and then we have a few questions regarding some of the issues in which you will be involved.

[The biographical sketch follows:]

BIOGRAPHICAL SKETCH OF ROBERT MARTIN GARRICK

Address—P. O. Box 65 / 5819 Redondo Drive, Bonsall, California 92003; date of birth—March 11, 1920; married—Billie Clair Welsh; children—Martin Welsh Garrick 28, Patti Kathleen Garrick 26.

Education—Los Angeles City College AA 1943, University of Hawaii and the University of Southern California, majors: journalism, radio, aeronautical engineering.

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Employment—1939–47—Los Angeles Times Mirror Corp.—Building Guide—Assistant Director of Promotion (exclude 4 years for military service); 1947–51 A. F. Gilmore Company—Director Public Relations and Advertising. Los Angeles, California; 1951–75—President, Robert M. Garrick Associates—Public Relations Consultants. Los Angeles, California; 1975–80—Senior Vice President—Region Manager—Doremus & Company—Public Relations and Advertising. Los Angeles; 1964–66—Los Angeles County Aviation Commission. Chairman one year; 1981—Deputy Counsellor to the President of the USA.

Political Affiliation and Activities—Reagan/Bush Committee 1980 Director of Research and Policy Development.

Senator KASTEN. Mr. Robert M. Garrick.

STATEMENT OF ROBERT M. GARRICK

Mr. GARRICK. Thank you, Mr. Chairman. It is a pleasure to be here. Good morning to you.

I have a very simple statement. I am basing my past and future on honor, country, and family. With those three mandates, I hope to measure up to all of the requirements of this particular position.

Senator KASTEN. Mr. Garrick, could you summarize what elements in your background you think will be particularly useful as you participate on the Board?

Mr. GARRICK. I am reputed to be somewhat of a communications expert with some 40 years' experience in the field; not only in the military but in the private sector as well. My dediction and understanding of communications, the needs and requirements, I feel, qualify me to fill the position to which the President has nominated me.

Senator KASTEN. Mr. Garrick, do you know of any conflict of interest, or any reason why you shouldn't serve on the Comsat board?

Mr. GARRICK. I'm not aware of any, sir. I've examined the situation very carefully, and have not been able to ascertain any points to which you have directed your question.

Senator KASTEN. Next year the committee is likely to be considering legislation which will affect Comsat. Will you work with our committee to assure that this legislation is drafted to insure the protection of the public interest?

Mr. GARRICK. Well, the public interest is primary in my being interested in accepting this particular position. I understand fully the Congress position relative to Comsat and the telecommunications field, and naturally I will be more than pleased to work to the best of my ability with the committee.

Senator KASTEN. I think that is going to be important, because this is an ever-changing area and we, as Senators, are not necessarily experts, especially as these areas change so quickly, so it will be very important that you and others, in positions such as you are in, make yourself available to the committee and committee staff as we work in areas that frankly we don't know as much about as we should, simply because they are changing so quickly.

So, I thank you for your answer and I am sure that a number of members of the committee look forward to working with you.

Comsat was created by Congress to assist in the creation of a global communications network. In that role, it was to fulfill certain public interest obligations. But, Comsat was not to be an agency or an establishment of our U.S. Government and was to be

operated for profit. In fact, after the large investments and public moneys to develop communications technology, a special relationship between Comsat and the U.S. Government was established.

Now as time goes by, and also because of changed circumstances, particularly Comsat's maturing, we now have essentially a global satellite communications system, Intelstat, in which Comsat participates. There is less Government oversight of Comsat operations and activities compared to what it was a few years ago.

Now the question I wanted to address: Is it necessary to require that three members of Comsat's board of directors be appointed by the President and confirmed by the Senate, as we are seeing a diminished role of Government oversight?

Mr. GARRICK. Mr. Chairman, I am totally in accord with that type of thinking. As the technology develops, as the world shrinks, I think the liaison between Comsat and the Government will grow more important. And as such, these three particular positions, I think enhance that relationship.

Senator KASTEN. Mr. Garrick, there are some additional questions which we will submit to you for the record. There are some Senators who were unable to be here this morning who had some questions.

The record for the hearing will be held open for roughly 1 week. During that time, the Senators will have an opportunity to submit their questions which will be transmitted to you. It is hoped that you could get back to the committee with answers to those questions in a timely manner.

We look forward to working with you, and particularly look forward to your advice and counsel as we work in this very important, but changing area. I am sure that you recognize the challenging role in this changing arena which you have undertaken.

Thank you very much for your testimony this morning.

Mr. GARRICK. Mr. Chairman, don't hope that the answers will be returned. I am used to the chain of command. I assure you they will be.

Senator KASTEN. Thank you.

Mr. GARRICK. I appreciate deeply the opportunity to once again offer in some small way, service to my country and also for the pleasure of being with you and being interrogated in a very nice manner, which is your responsibility and duty.

I thank you very much.

Senator KASTEN. Thank you very much.

This portion of the hearing is concluded.

[Whereupon, at 9:45 a.m., the hearing was adjourned.]

[The following information was subsequently received for the record:]

QUESTIONS OF THE COMMITTEE AND THE ANSWERS THERETO

Hon. BOB PACKWOOD,
Chairman, Senate Committee on Commerce, Science, and Transportation,
Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: At the conclusion of the hearings held by your Committee on November 20, 1981 in connection with the President's nomination of me to serve as a member of the Board of Directors of the Communications Satellite Corporation (Comsat), I was informed that the Committee would ask me to respond to some

additional questions and that my answers would be incorporated into the records of the proceedings.

I now have the Committee's additional questions and I will be pleased to answer them. I should point out, however, that my answers will have to be fairly general in nature because obviously I will require more familiarity with the functions and responsibilities of Comsat before I will be in a position to supply detailed answers. In the discussion that follows, I will cite the Committee's questions, which I have discussed with Comsat's staff, and then provide my answers.

Question. Do you believe it is appropriate that Comsat enters into areas of business or acquires other firms engaging in businesses which may be unrelated to the original purposes of the corporation as it was established in 1962?

Answer. I frankly believe that Comsat should be able to enter any line of business so long as it activities do not hinder or interfere with Comsat's primary mission—that is, fulfillment of its responsibilities to Intelsat and Inmarsat. I understand that the FCC, after completing a comprehensive study at Congress' request, reached the same conclusion. Indeed, the Commission indicated that significant public benefits could be realized from the application of Comsat's skills and expertise to new fields. In addition, I understand that the Satellite Act of 1962 has broad purposes. These include the maintenance of U.S. leadership in the commercial space field and the delivery of the benefits of satellite communications to the American people. While I have obviously not yet had an opportunity to examine Comsat's operations in great detail, I am informed that all of Comsat's present and planned activities are in furtherance of the broad purposes of the Satellite Act. I think it is very desirable and in the national interest for Comsat to have the flexibility to pursue these activities.

Question. Does the global nature of Intelsat inhibit the participation in regional satellite systems?

Answer. As I understand it, the Intelsat agreements do not preclude a member from participating in regional satellite systems, under certain circumstances. I am informed that under the terms of those Agreements, members of Intelsat who desire to use space segment facilities separate from Intelsat for their international public telecommunications requirements are required to consult with the Intelsat governing body to ensure that any separate new satellite system proposed to be established will be technically compatible with the Intelsat system and will not cause significant economic harm to it. Nonetheless, Intelsat and Comsat support the goal of a single global system and it is my understanding that the Satellite Act favors such a system as well.

Question. What the status of the U.S. participation in Inmarsat?

Answer. In addition to its role in Intelsat, Comsat has been mandated by Congress to represent the United States as the operational entity in a second international satellite organization—Inmarsat (International Maritime Satellite Organization). At present there are 36-member countries in Inmarsat; Comsat's 23 percent investment share is the largest among the major seafaring nations of the world which are members of Inmarsat. Services now being provided via Marisat satellites, a system pioneered by Comsat General Corporation, a Comsat subsidiary, will be transferred in a smooth transition to Inmarsat facilities in February of 1982. I am informed that currently there are more than 900 ships and offshore facilities that are equipped for maritime satellite communications. I am also informed that Comsat will operate shore stations in the United States working with the Atlantic and Pacific area satellites, and will provide all maritime satellite communications to and from the United States.

I hope these responses together with my earlier testimony will assist the Committee in connection with its consideration of my nomination to Comsat's Board of Directors.

Sincerely,

ROBERT M. GARRICK.

NOMINATION—NATIONAL TRANSPORTATION SAFETY BOARD

TUESDAY NOVEMBER 24, 1981

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington D.C.

The committee met at 10 a.m. in room 235 of the Russell Senate Office Building, Hon. Nancy Landon Kassebaum presiding.

Senator KASSEBAUM. Good morning. We will go ahead and start the hearing, although it is my understanding that Senator Pryor will be here a little bit later.

I just want to assure you, Mr. Burnett, that neither fire, flood, nor the continuing resolution will put this hearing off one more time. I am sure that we are all anxious to get underway.

It is a particular pleasure to welcome you, Congressman Hammerschmidt. We're happy to have you offer any comments you would like.

STATEMENT OF HON. JOHN PAUL HAMMERSCHMIDT, U.S. REPRESENTATIVE FROM THE THIRD DISTRICT OF ARKANSAS

Mr. HAMMERSCHMIDT. Thank you, Madam Chairman. I very much appreciate this opportunity to present to this distinguished panel the Hon. Jim Burnett, who has been nominated by the President for membership on the National Transportation Safety Board.

It has been my distinct pleasure to know Jim for many years; in fact, he served as a congressional intern in my Washington office during my first term in Congress. Since those early years, I have watched with amazement his many career accomplishments, and can personally attest to the outstanding record of service Jim has rendered to the State of Arkansas.

Through my own service on the House Public Works and Transportation Committtee, I have found that Jim possesses a broad understanding of transportion systems and their related safety problems. His legal training and years on the bench in Arkansas sifting though the maze of evidentiary material presented, will add an extra dimension which will be most useful in undertaking the investigative responsibilities of the Board. As a Justice he has desplayed the temperament and ability necessary for impartial decisiomaking, and has developed a well-known reputation within the Arkansas legal community for objectivity and expertness based upon the sound practicality of his findings and recommendations.

As a Justice in traffic court, Jim became intensely interested in highway safety. In particular, the area of greatest concern to him

was the problem of those who drive while intoxicated, perhaps America's greatest tragedy. Within my home State, Jim Burnett has remained in the forefront of efforts to eliminate drunk driving, the most often committed violent crime in our country, and the gruesome toll it takes on our citizens. Also, while serving in his judicial capacity, Jim became very involved in recreational boating accident cases, which make up the largest share of violations of Coast Guard safety.

Let me stress, however, that Jim is not a technician; but neither is he being nominated for one of the two positions which Congress has mandated must be filled by a technically qualified person in the fields of accident reconstruction, safety engineering, and transportation safety.

Over the years I have seen Jim exhibit a talent for leadership and executive management that convinces me he has the necessary qualifications to make the NTSB operate as Congress intended; an independent watchdog agency.

Madam Chairman, upon a closer examination of his background, I feel this Committee will conclude that by reasons of his training and experience he is affirmatively qualified for this position. Jim Burnett possesses the unique character, reputation, and integrity vital in helping to gain the public trust and confidence that the NTSB is continually searching for ways to improve transportation safety for all of our citizens.

Let me reiterate my feeling that based on my personal knowledge over a period of many years, I am convinced that Jim Burnett meets the standard of excellence this panel has demanded from previous nominees for membership on the National Transportation Safety Board.

I thank you so much for allowing me to be here and present Mr. Burnett this morning.

Senator KASSEBAUM. Thank you, Mr. Hammerschmidt. It is a pleasure to have you here.

It is a pleasure to welcome Senator Pryor.

STATEMENT OF HON. DAVID H. PRYOR, U.S. SENATOR FROM ARKANSAS

Senator PRYOR. Thank you, Madam Chairman—Madam Chairperson, pardon me.

I would just like to add to what my good friend, Congressman Hammerschmidt, has said about Mr. Jim Burnett. I must say this morning that the thing that has always amazed me about Jim Burnett—and I have known him for a number of years—is how he has been able to accomplish so very much in so very few years.

He has truly, Mrs. Kassebaum, been one of the outstanding young citizens of the State of Arkansas. When I heard that he would be a contender for this very prestigious position, I was not only elated, I was also very, very honored that someone from our State would be chosen, for this high position.

In his very few years he has accomplished a great deal, as I have said: A member of Phi Beta Kappa, Pi Sigma Alpha, Blue Key, Who's Who in American Colleges and Universities. Even as a very young person he has been a municipal judge for Clinton, Ark., a special associate justice of the supreme court of our State, a juve-

nile judge of Van Buren County, and the city judge in Damascus, Ark. He is a very well known and highly honored attorney in our State.

And to add just a personal note, I cannot remember what year you came up here to begin your service on the Hill, Jim, but I think it was in the late 1960's, about the time that Congressman Hammerschmidt and I arrived on the scene here. And I have known Jim since that time. He has been an absolutely splendid young man with an exemplary record. And for this very high position, I can attest to his capabilities and his dedication for the job that he will be pursuing in the near future.

Senator KASSEBAUM. Thank you very much, Senator Pryor.

I also have a statement from Senator Bumpers which I would like to have made part of the record.

[The statement follows:]

STATEMENT OF HON DALE BUMPERS, U.S. SENATOR FROM ARKANSAS

Mr. Chairman, I am pleased to have the opportunity to introduce to this committee James E. Burnett, Jr., whom the President has nominated to be a member and chairman of the National Transportation Safety Board.

He lives in Clinton, Arkansas, and is a graduate of the University of Arkansas Law School. He has been practicing law in Clinton since 1973 and served as Municipal Judge from 1975 to the present in Clinton and Damascus, Arkansas. At the time of his election he was the youngest judge in the State of Arkansas.

I would like to commend President Reagan for nominating Jim Burnett. He enjoys great respect in his community and will do a fine job on the National Transportation Safety Board. I am confident this committee will act quickly and favorably on his nomination, and I wish him well in the months and years ahead.

Senator KASSEBAUM. I have your biographical sketch which I will place in the record.

[The biographical sketch follows:]

BIOGRAPHICAL SKETCH OF JAMES EUGENE BURNETT, JR.

Address: Residence: 108 Thomas Street; Mailing: P.O. Box 147, Clinton, Arkansas 72031.

Date and Place of Birth: September 20, 1947, Little Rock, Arkansas.

Marital Status: Single. Names and ages of children: None.

Education: Juris Doctor, University of Arkansas Law School, Fayetteville, Arkansas, 1973; Bachelor of Arts with major in Political Science, University of Arkansas, Fayetteville, Arkansas, 1970; Graduate, Clinton High School, Clinton, Arkansas, 1965.

Employment Record: Self-employed as Attorney at Law, 1973—present.

Governmental experience: Municipal Judge for Clinton, Arkansas and Van Buren County, 1975-1979; Special Associate Justice of Supreme Court of Arkansas, February, 1981; Juvenile Judge, Van Buren County, Arkansas, 1973—present; City Judge, Damascus, Arkansas, 1979—present; Congressional Intern for Congressman John Paul Hammerschmidt, summers 1967-1969; Rule 71A Commissioner, United States District Court, Eastern District of Arkansas, 1974-1978.

Memberships: Clinton Chamber of Commerce, President, 1978-1980; Van Buren County Day Care Center, Director, 1974-1981; Medical Services, Inc. of Clinton, Arkansas, Director, 1979-1981; Arkansas Juvenile Judges Association; National Conference of Special Court Judges; Arkansas Farm Bureau; Arkansas Bar Association; American Bar Association.

Political Affiliations and activities: General Counsel, Arkansas Republican State Committee, 1979-present; Legal Counsel, Frank White for Governor Campaign, 1980; Delegate, 1980 Republican National Convention and member of the Committee on Rules and Order or Business; Parliamentarian, Arkansas Republican State Convention, 1980; Member, Arkansas Republican Campaign Steering Committee, 1980; State Campaign Director, Ed Bethune for Attorney General, 1972; President, Young Republican Club, University of Arkansas, 1967-1968; Delegate, Arkansas Republican

State Conventions, 1970, 1972, 1974, 1980, Member Platform Committee, 1972 Rules Committee, 1980.

Senator KASSEBAUM. As you know, I am sure, Mr. Burnett, that in 1974 the National Transportation Safety Board came into being, created in the belief that the Department of Transportation should have an independent body to investigate accidents that occur and to make analyses of the reasons for those accidents and suggestions for ways to improve safety procedures. It has always been the belief that this Board should be highly independeent and should have a background of technical knowledge to bring an anaiysis of accidents, whether they be air or highway.

And this is something, since I have been here, that all of the candidates for the Board have been asked as far as what they thought they could bring to the Board's independent study of an accident. I would like to ask you what you feel you could best bring to an independent study.

STATEMENT OF JAMES E. BURNETT, JR.

Mr. BURNETT. Thank you Senator—Madam Chairman. I think that my experience in the judicial field will assist me in participating in the fact-finding process. That is the basis for the Board's work. As you know, the Board is deeply involved in accident investigation and determining the cause of accidents. The fact-finding process of the Board's investigations depends upon the weighing and evaluation of evidence. I have some experience in that regard.

I think, in addition, my general experience with governmental activities and with general functioning in the political process will help me to assist the Board to make their work effective within the context of our governmental system.

Senator KASSEBAUM. I think that an important qualification mentioned by Congressman Hammerschmidt was impartial decisionmaking. And as a judge you have had to exercise that. I think that is very important.

Do you plan on in any way drawing on technical skills or working, yourself, to improve a knowledge of technical skills needed to make an assessment?

Mr. BURNETT. Yes, Madam Chairman, I plan on both. I will include technically skilled people on my staff, and I do plan to take the opportunity during my term to educate myself in many areas that my previous experience has not permitted me. And certainly, during my service on the National Transportation Safety Board I intend to make myself highly qualified in all of the areas that it oversees.

Senator KASSEBAUM. I am sure that Senator Pryor, and Congressman Hammerschmidt, and myself would all agree that a highly qualified staff is the key to the success of any operation.

Have you ever done any work in your legal background in safety areas, other than the aforementioned interest in traffic accidents involving alcohol related background?

Mr. BURNETT. Of course, my judicial background includes largely highway safety. Primarily, my judicial functioning was as a traffic judge; however, I also included, as the Congressman mentioned, marine safety and recretional and boating safety. I did, in my

court, have jurisdiction over boating safety violations under Coast Guard regulations.

And of course, additionally, in the law practice you deal with accident situations. One of the primary activities of a practicing attorney is in the field of the causation of accidents. You get involved in both investigation and in presenting that kind of evidence to courts. So, I have had that additional activity.

Senator KASSEBAUM. Thank you very much.

There is another witness.

Thank you very much. I appreciate, Congressman and Senator, your being here. Thank you.

Mr. Baker.

John Baker, President of the Aircraft Owners and Pilots Association.

STATEMENT OF JOHN L. BAKER, PRESIDENT, AIRCRAFT OWNERS & PILOTS ASSOCIATION

Mr. BAKER. Good morning, Madam Chairman.

I would like to submit our statement for the record, if I might, and I would summarize it.

I have an observation, listening to the virtues of the nominee. I think that it is unfortunate that it is even being considered to deprive Arkansas of a man of so much talent; so much to contribute there and so little he can contribute here.

The reason I am here is not a particularly tasteful situation, because I have had the opportunity to meet Mr. Burnett and found him most personable and exceptionally bright and so forth, is one to raise a procedural challenge. He is to replace Mr. Driver on board. The Senate, in its wisdom, when the NTSB was constituted, originally held the position that five, all five members, should be technically qualified. Unfortunately, in compromise with the House it came out two of the five. And I guess you could say two of five is a bad average. Unhappily, in an area where technical competence is of the sole criteria, two of five works a severe hardship in the aviation community, and particularly from our view.

Decisions that are made at the NTSB, no matter how political the nominee is, are not political decisions, they are life-and-death decisions which have an impact on everyone who utilizes transportation of any method or mode. What we have seen happen over the years as a result of lack of competence in the Board members, is that the Board opinions have become increasingly speculative no matter how well meaning, and have essentially been ignored by the entire aviation community. And it stands to reason tha the Board is simply not going to be as effective as the auditor, if you will, of the Nation's transportation system, as an independent auditor, if no one takes their opinion seriously. You can see the hundreds and hundreds of recommendations of the Board, many of which are vital to safety, which have been ignored by, primarily, the FAA.

And I do recall, a number of years back, before this committee there were hearings on that subject, the fact that the Board was simply being ignored. When you evaluate the technical competence of management of the FAA versus the technical competence of the Board members, it is no contest. As a result, the managers of the FAA—and I applaud the President's selections there—you couldn't

find better qualified people than we've had put in the FAA, simply overpower the Board.

One of the areas of major concern of us is that prior to this election, we asked the then condidates what their position was. Because we felt very strongly about this particular issue.

The response we got from then candidate, now President Reagan, I think, is interesting. I would like to read it into the record if I may.

Our question was:

> Appointments for posts such as Administrator of the Federal Aviation Administration and Chairman of the National Transportation Safety Board have, in the past, often been filled by politically active people but individuals not technically involved by or experienced in these fields. What is your policy toward such an appointment?

Then Candidate Reagan responded:

> We should attempt to pick as administrators of the FAA and chairmen of the NTSB people who have real aviation experience. We would choose someone from the aviation community who is familiar with the problems of the system.

I think that if, indeed, that was an honest commitment, then this is perfidy of the worst kind. Because this is clearly a political response paying off an active political supporter of the Republican Party. I think that is singularly unfortunate, and I think it is, as I say, unconscionable.

I believe very strongly that the Board is now no longer within the confines of the mandates of this committee in terms of technical competence on the Board. Mr. Driver was the only current aviator or person with recent aviation experience on the Board. He is being replaced by Mr. Burnett. That leaves one qualified safety investigator on the Board, Mr. McAdams, and that's using the term most generously. He has not flown an aircraft since 1950, as I understand it. That, in and of itself, is burdensome for all of us.

This is not an area where good intentions substitute for technical competence. In the years when I tried aviation litigation cases with the Department of Justice, we found that even the secretaries who worked in there did not understand the jargon; and they worked with it on a daily basis.

We are simply perpetuating the disaster which the NTSB has become. And I object strongly in behalf of our 261,000 members. As I say, this is most distasteful, Madam Chairman, but we believe it is of enough significance that we should stand and fight on this particular issue.

We believe that now, with this appointment coming forward and Mr. Driver going off the Board, the Board simply does not even meet the two out of five, which we find to be below minimal standards.

It is our understanding the next nominee who is wending his way through the process has absolutely no technical background either—Mr. Lipp, who has strong connections with the President and has worked for him in California, but no connections with accident investigation or the scientific disciplines.

So, we urge this committee not to confirm Mr. Burnett. We urge this committee to reassert its prerogatives to protect the American public's interest in transportation, which is so vital in the commercial intercourse in this country as well as in moving people from

place to place. And we don't believe this job should be a political patronage job in the sense of paying past debts.

So, we thank you, Madam Chairman, for the opportunity to come up.

Senator KASSEBAUM. Thank you, Mr. Baker.

As you know, this has been a question that has concerned this committee in past appointments. I think it is very important to protect the technical expertise that is vital to a successful NTSB. I would say it isn't only just aviation, of course, it is all modes of transportation; railroad, highway, boat, as well as aviation. We have a tendency to focus more on aviation, because, unfortunately, I think it is usually the more dramatic accident. And there have been, I think, more cases which the NTSB has investigated involving aviation accidents.

I share your concern. Mr. Burnett spent a great deal of time answering our concerns and questions in this area. I think we do have to be conscious that we don't move away from the original guidelines. We have begun to move that way in the last several years.

I very much appreciate your testimony and your being willing to discuss what I think should be of concern to us all as we protect the independence and the high standards of the National Transportation Safety Board. We'll take it under consideration.

Mr. BAKER. Thank you.

Senator KASSEBAUM. Thank you very much.

Thank you. I appreciate the testimony of everyone involved.

[The statement follows:]

STATEMENT OF JOHN L. BAKER, PRESIDENT, AIRCRAFT OWNERS & PILOTS ASSOCIATION

Madam Chairman, we are here today to oppose the nomination of James Burnett to the National Transportation Safety Board.

As you know, AOPA consists of over a quarter of a million members who have an intense interest and stake in the operation of the National Transportation Safety Board. Our members comprise a substantial portion of general aviation. We estimate that our members own about 70 percent of the aircraft in the United States civil fleet and account for 80 percent of the hours flown in the United States by private aviation aircraft.

General aviation is the lion's share of aviation in the nation. We fly more intercity travellers than the combined total 22 certificated airlines. We are more than 90 of the flights in this country. We fly nearly two-third of the air miles flown, but we only use about ten percent of the aviation fuel.

The reports and recommendations of the NTSB have a significant effect on general aviation, and it is important that these reports and recommendations stem from a fundamental knowledge of our national airspace system and general aviation's role in it.

In the summer of 1980 we sent a questionnaire to each of the candidates for President of the United States asking for their views on issues related to aviation. One of the questions we asked (and in which we were most interested in the answer) was whether or not the candidates would pledge themselves to appointing experienced people to the technical positions which regulate the aviation activities in the United States.

Our question was: Appointments to posts such as Administrator of the Federal Aviation Adminstration and Chairman of the National Transportation Safety Board have in the past often been filled by politically active people but individuals not technically qualified or experienced in these fields. What is your policy toward such appointments?

President Reagen responded: We should attempt to pick as Administrators of the FAA and Chairman of the NTSB people who have real aviation experience. We

would choose someone from the aviation community who is familiar with the problems of the system.

President Reagan has certainly fulfilled that obligation in his appointments to the policy-making decisions in the Federal Aviation Administration.

He has strayed far afield from that pledge with his first appointment to the National Transportation Safety Board, James Burnett of Arkansas. Mr. Burnett not only does not measure up to the qualifications necessary to be a productive member of this important agency, he is completely lacking in any credential whatsoever for one of the most technical jobs in the Administration.

We wish to make clear that we do not oppose Mr. Burnett personally. We don't know him. His personal qualifications may be excellent, but he completely lacks any professional qualifications in the field of accident reconstruction, safety engineering, or transportation safety.

Mr. Burnett has a great deal of political experience in running political campaigns for himself and others but has no transportation experience whatsoever, let alone any pretention at technical qualifications for this position.

We share the view of the United States Senate when it most recently considered the authorizing legislation for the National Transportation Safety Board. At that time it approved a bill requiring that each of the five members of the Board have technical qualification in transportation safety. Regrettably, the conference report which was enacted into law required only that at least two members of the Board have any understanding of the subject matter of their agency. There are literally thousands and thousands of appointive Federal positions where a political background is a plus and would benefit from the appointment of someone with experience in politics and general public policy. The National Transportation Safety Board is clearly not one of these positions.

The United States cannot afford to see the National Transportation Safety Board become the parking place for political appointees. It is an investigative body of the most technical kind in which the quality of the decision reflects the degree of expertise involved. It is a Board whose members can be complete captives of the professional staff if they have neither the education nor experience to challenge their findings. It is a Board whose decisions and recommendations have slight chance of being implemented if the individuals who make those decisions have no standing with which to make them.

In practical political terms, the National Transportation Safety Board, most of whose resources are used to investigate aviation accidents, is an auditor of the Federal Aviation Administration in its operation of the national airspace system. An independent board whose members are appointed from a political motivation rather than a technical one cannot successfully have an independent impact on the Federal Aviation Administration whose safety responsibilities are handled by far more technically qualified persons.

The past failure of the Senate to require a stricter degree of qualification on the part of members of the National Transportation Safety Board has resulted in an agency which does not come close to meeting either its potential or its realistic responsibilities in transportation policy.

At his confirmation hearing the current chairman of the National Transportation Safety Board said: "I don't want to hold myself out as a safety expert." Another current member (without obvious technical qualifications) of the Board said at her confirmation hearing: "I will seek to make myself familiar with the various modes of transportation."

The National Transportation Safety Board has no regulatory authority. For it to have an impact on transportation safety policy within the Federal government it must rely on the perception of others as to the quality of its decisions. That perception today is not good. It is not likely to get better if the Congress does not insist upon technically qualified people on the job. Transportation safety investigation is a highly specialized and respected profession. Many colleges and universities offer degrees in accident investigation. Hundreds of skilled, experienced and highly capable people are available to choose from. These people can be politically active and knowledgeable about transportation safety issues at the same time. We would like to see the Senate insist that someone with this experience and training be selected for the National Transportation Safety Board.

The argument is advanced that the President should have the right to appoint those with whom he will work in order that they will best carry out his policies and in whom he can have confidence. We agree. But, we suggest that he should select from among the many persons who do have the background and experience to serve on the National Transportation Safety Board. In the first place, the duties of the Board are highly technical and very specific. In the second place, we doubt that the President will become involved in any of the issues before it. The members of the

Board serve a five year term and if they are inexperienced when they take office they can probably become qualified in five years. That leaves us with members of the Board leaving when they have reached the point of competency. This is a situation the Senate should not permit to continue.

Senator KASSEBAUM. I do have some questions from Senator Cannon which I would like to make part of the record and submit to Mr. Burnett for written answers.

Thank you very much.

[Whereupon, at 10:20 a.m., the hearing was adjourned.]

[The following information was subsequently received for the record:]

QUESTIONS OF SENATOR CANNON AND THE ANSWERS THERETO

Question 1. The Senate in the past has adopted legislation which would require *all* five members of NTSB to have technical qualifications. What is your opinion of that proposal?

Answer. I believe that a provision which required all five members of the Safety Board to have technical qualifications would result in all members being appointed from within the transportation industry. I believe this would be a mistake and might result in a seat being informally reserved for each mode—a situation which would give each member an individual fiefdom over his mode. It would be very difficult to find a member who would have technical qualifications in several modes. I think that collegiate bodies are stronger if they have members of varying talents and perspectives.

Question 2. Since the White House has also sent to the Hill your nomination as Chairman of NTSB, which I understand we will act upon after Mr. King leaves the Board, how will you operate as simply a member in the interim? Don't you think the staff may behave as if there are two Chairmen? I hope you will take special care not to preempt Chairman King's control until he leaves.

Answer. I will take special care not to preempt Chairman King's control while he is Chairman of the Safety Board.

Question 3. What can be done to make NTSB more effective over the next few months? What should the Board be doing better in your opinion?

Answer. I believe the Safety Board should concentrate on 3 areas: (1) accident survivability, including crashworthiness of vehicles, fire retardation and evacuation in the presence of fire danger, and the installation and use of occupant restraints—this area offers our greatest safety opportunity; (2) human performance as a causal factor in accidents, including alcohol and drug abuse by operators, as well as health, fatigue, and operational proficiency—these will be our most complex safety problems; and (3) the transportation of hazardous materials—this poses our greatest potential for catastrophe. The Safety Board has begun efforts in each of these areas. Each of these initiatives should be pressed and strengthened. Each is intermodal in nature and the transfer of data and technology between the modes should be stressed.

Question 4. In the past, this Committee has complained to the Board that too much time is taken up in public and private meetings on semantics. Some orders have been reviewed over and over so that the members can make stylistic changes. Are you aware of this problem and do you intend to work with the other members to correct it?

Answer. I believe that the Board should be concerned with the stylistic quality of its written products—a concern which should exist throughout government. However, I do not favor delaying safety recommendations or release of important safety information while purely stylistic changes are made. I hope that effective staff editorial practices will minimize the need for Board time to be spent on such matters. I will not hesitate, however, to suggest changes in wording in the Board Room, if I see a way to reduce ambiguity or to make a report more effective.

Question 5. The Senate has always encouraged the Board's special studies and in particular its human factors work. Especially in aviation, we find too much emphasis on the mechanical failures, which are infrequent, and too little on the human mistakes, which are in relative terms a much more frequent cause of the accidents we do have. Can you tell us a little of your philosophical approach to this debate over accident investigation?

Answer. I agree with the Senator's comments. Human performance as opposed to vehicle performance, as a causal factor in accidents, has not received sufficient attention. This has long been recognized by the Safety Board. Since human perform-

ance is not yet the exact science which we find in the engineering fields, we will have a "hard road to hoe," as we say in Arkansas, but this will be the next great frontier in accident prevention.

Question 6. Do you believe deregulation has had an effect on aviation safety?

Answer. Up to this point, I see no evidence that deregulation has had a negative effect on aviation safety. I believe the Safety Board should be observant to see if there is an effect, either positive or negative, in nature.

Question 7. The Board has historically devoted a major portion of its resources to aviation accident investigation. Have you had the opportunity to form an opinion on whether or not the Board is properly allocating its resources?

Answer. I would not favor reallocating Safety Board resources from aviation to surface transportation. I believe that the close attention given by the Safety Board and its predecessor agencies to aviation accident investigation is an important factor in the aviation safety record we have in this country today. Although there are many more fatalities in surface transportation than in aviation, it does not follow that a dollar spent by the federal government on surface transportation safety will save more lives than a dollar spent on aviation safety. The vast majority of surface transportation deaths occur on the highway where the basic regulatory jurisdiction is with the states and localities, and where federal recommendations or intervention may be less effective. A proven program should not be drained to pursue opportunities which may be elusive.

On the other hand, I would like to emphasize that one of the missions of the Safety Board should be to apply some of the techniques used successfully in the aviation safety field to improvement of surface transportation safety. As resources become available, we should certainly expand our activities in the surface transportation modes.

Question 8. Do you think the Board should seek legislatively to obtain the primary role in boating accidents which it exercises in surface and air transportation? The Coast Guard can presently be in a position of investigating accidents in which its rules or its vessels are involved as a potential contributing factor.

Answer. The recent agreement between the Safety Board and the Coast Guard, which gives the Safety Board the primary role in investigating accidents in which Coast Guard performance is an issue, may be a step in the direction in seeking an adequate solution to this problem. We need to closely observe how this agreement works in practice.

Question 9. AOPA, an organization that I highly respect, opposes your confirmation because of your lack of technical qualifications. How will this lack of confidence by the general aviation community affect your ability to perform as a member of the Board?

Answer. The Aircraft Owners and Pilots Association is also an organization which I respect. The opposition expressed by their president to my nomination, based upon his philosophical position that all members of the Safety Board should have technical backgrounds, will only reinforce my determination to win the respect and confidence of the AOPA (and other constituent groups which appear before the Board) through fairness, deliberation, and careful study and evaluation of technical evidence.

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